S.B. Civil Writ Petition No.3235/2002
Chandra Kant Ruia & Anr. Vs. The State of Raj. & Anr.

20.02.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Prashant Sharma for petitioners.
Shri B.S. Chhaba, Dy. GA
Shri Jinesh Jain for respondent.

The petitioners in the present writ petition have prayed for a writ of mandamus seeking quashment of the First Information Report No.181/2002 dated 3.5.2002 lodged for offences under Section 420, 467, 468, 471 and 120B.

Shri Jinesh Jain, the learned counsel for the respondent has invited my attention to a judgment of this Court in Raj Kumar Rula Vs. The State of Raj. & Anr., S.B. Civil Writ Petition No.3138/2002 passed on 29.7.2005 in which the same FIR was subjected to challenge with the similar

prayer. This Court while following the law laid down by Hon'ble Supreme Court in Bhajan Lal case declined to interfere with the FIR. It was however directed that in case the petitioner co-operates with the investigating agency, he may not be arrested pursuant to the FIR No.185/2002.

Having heard the learned counsel for the parties, I am not persuaded to take a view different than the one taken by the Co-ordinate Bench in the aforesaid judgment.

The writ petition is accordingly disposed of in terms of the aforesaid directions. The observations made and directions given in the aforesaid judgment shall also apply to the case of the petitioner.

(Mohammad Rafiq),J.

Rs/-